

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHILIP EARL ,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:12-cv-00892

OCEANA COUNTY, et al.,

Defendants.

REPORT AND RECOMMENDATION

This is a purported federal question case brought by a pro se plaintiff pursuant to 28 U.S.C. § 1331. Plaintiff paid the filing fee and summonses were issued on August 27, 2012. On September 12, 2012, Defendant Oceana County mailed to Plaintiff, at the address provided to the Court by Plaintiff, a copy of its motion to dismiss and brief in support thereof. (Dkt. #13). On or about September 17, 2012, both these items were returned to Defendant with the notation that the items were “not deliverable as addressed” and that the postal service was “unable to forward” the items in question. (Dkt. #13). The Court issued an order to show cause for October 29, 2012 why the case should not be dismissed for plaintiff’s failure to keep the Court apprised of a current address. The docket reflects that the order to show cause was mailed to three addresses derived from plaintiff’s pleadings. Two of those copies were returned to the Court as undeliverable.

A show cause hearing was held on October 29, 2012 at 10:30 a.m. Plaintiff did not appear, nor contact the Court in any manner. As such, the undersigned hereby recommends that this matter be

dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court. Timely objections to this Report and Recommendation shall be considered Plaintiff's final opportunity to show cause why this matter should not be dismissed with prejudice and without costs to either party.

Respectfully submitted,

Date: October 30, 2012

/s/ Ellen S. Carmody

ELLEN S. CARMODY

United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).